

7

**REPORT OF SHRI CHAMAN LAL SPECIAL RAPPORTEUR ON HIS VISIT TO THE DISTRICTS OF CARPET BELT OF UP FROM 8-11 AUGUST 2001 TO REVIEW THE CHILD LABOUR AND BONDED LABOUR SITUATION AND WORKING OF THE NCLP SCHOOLS**

I visited all the Districts of the Carpet Belt UP viz. Jaunpur, Varanasi, Sonebhadra, Bhadoi, Mirzapur and Allahabad from 8-11 August 2001. Shri M.N. Siddiqui, Director of Factories UP, Incharge, Child Labour and Bonded Labour was kind enough to accompany me throughout this tour. I met the DMs individually and made district-wise review of the child labour/bonded labour situation in the area. I also visited 2 NCLP schools each in the districts Bhadoi, Mirzapur, Allahabad and Varanasi. Separate meetings were held with the NGOs running the NCLP schools in Mirzapur, Allahabad and Varanasi. District-wise report follows.

**JAUNPUR**

Meeting with the DM and other officials was held at the Circuit House on 8 August. Shri Rajan Shukla DM confirmed that Vigilance Committees are in position at the District and Sub-Divisional HQs since 27.12.1996. He was requested to activate these Committees and involve them in the identification, release and rehabilitation of bonded labourers. All the identifications made in the district so far have been on the basis of complaints received from the NGOs and the District Administration has hardly displayed any initiative in this matter. The DM and the Assistant Labour Commissioner admitted existence of bonded labour in beedi-making,

carpet weaving and brick-kiln industries of the District. However, the incidence is now almost negligible in carpet weaving industry.

During the period 1996-97 to 2000-2001, a total of 15 bonded labourers were identified and released in Jaunpur. One of them released in 1996-97 refused to accept any assistance. Four released in 1996-97 have been rehabilitated. The balance 10 -1 of 1999-2000 and 9 of 2000-01 belong to Bihar. Their cases have been referred to DM Saharasa (3) Madhuban (2) and Darbhanga (5).

Prosecution of offending employers does not seem to have received any attention so far. No information on prosecution could be furnished by the ALC.

### CHILD LABOUR

A total of 805 child labourers have been identified and withdrawn from work since the survey of 1997 ordered by the Supreme Court. 548 of these belong to hazardous and 257 to non-hazardous category. 22 children were withdrawn from hazardous occupation in 2000-01 and 3 in 2001-02 (up to 31st July). 391 of the 548 children have been admitted to schools. In non-hazardous category, 231 out of a total of 257 have been admitted. After deducting the number of migrant children, the District has only 34 children - 23 of hazardous and 11 non-hazardous category awaiting educational rehabilitation. As I found these figures to be unrealistically good, I requested the DM to get a block-wise sample check

made to arrive at an authentic assessment of the educational rehabilitation of the released children.

The number of families relating to 548 children withdrawn from hazardous work was 479. 95 of them have been provided employment as per the directions of the Supreme Court. 88 of them were already employed under Government schemes. 84 refused to take assistance and 140 were migrant families belonging to other States. As such the district still has 72 cases pending for rehabilitation. The DM assured rehabilitation of all these families within the current financial year.

The number of employers involved in identification of 548 children in hazardous occupations was 295. 244 R.Cs for realisation of a total amount of Rs. 90 lakhs @ Rs. 20,000 per child were issued. A sum of Rs. 3,06,200 has actually been realised till now. 118 R.Cs involving a sum of Rs. 44,66,000 have been stayed by Courts. The DM was requested to consider the representations of the affected parties as directed by the Court and take further action in those cases. The R.Cs worth 42,27,800 are pending execution. The DM was requested to make special effort for realisation of this amount.

A total of 390 prosecutions under the Child Labour Act have been launched in the District till now. 134 of these belong to the period prior to 10.12.1996. Only 17 cases have been decided till date. 14 of them have ended in acquittal. Only in one case of conviction, 3 month imprisonment has been awarded along with fine of Rs. 10,000/-. The other two carry punishment of fine only. The DM was requested to take note of the poor

disposal and low conviction rate. He responded favourably to the request of the ALC to designate a separate APO for child labour cases. He assured that the matter would be regularly discussed in the Monitoring Cell meetings.

I also met Shri Pradeep Nigam, President Savitri Devi Sansthan and Shri Ram Murti Yadav, General Secretary, Gram Vikas Mahila Samiti. These NGOs are involved in literacy campaign and vocational training for the youth. I was happy to learn that special attention is being given to the girls. They have also been associated with the Swaran Jayanti Gram Swaraj Yojana. They shared with me their estimate of child labour in the district which is around 1% in the carpet-weaving industry (total labour force 3000), 5% in Beedi-making ( total 30,000) and negligible in brick-kiln.

As this district is having over 200 brick-kilns, the ALC Jaunpur has requested the Brick-kiln Manufacturers' Association to provide primary education facilities for the children of the labourers at the work site as has been done at Kanpur and some other places. Shri Kamla Kant Pandey, Vice President of the Association has given an assurance to the Assistant Labour Commissioner that this will be done when the next session of work is begun in November.

Bal Adhikar Pariyojana had, with assistance from UNICEF, provided training to 200 ladies of BPL families in the district. 60 of these belonged to the families whose children were withdrawn from work. They were supposed to be provided financial assistance to start a production unit as has been successfully tried in District Bhadoi. The DM was requested to arrange rehabilitation of these ladies on similar lines and also explore the possibility

of getting a few more ladies from child labour families imparted such training.

The Distt. has an estimated number of 1000 looms which are required to be registered as part of the Child Labour Abolition Programme (CLAP) launched in April 1999. Only 350 have actually been registered till now. The ALC is confident that with support from the revenue officials, registration of looms will be completed by the end of the current year. The DM was requested to extend necessary help.

### BHADOI

Shri A.K. Rai, Deputy Labour Commissioner and Shri V.P. Tripathi, SSP were present during the discussion with Shri Narender Kumar, DM on 9 August.

The DM confirmed existence of Vigilance Committees at the District & Sub-Divisional HQs. He was requested to get them activated. A total of 271 bonded labourers have been released in this district since 1997. 10 were released in 2000-01 and 12 in the current year (till 31<sup>st</sup> July). The total includes 130 child labourers. All the 271 bonded labourers released in this district are migrant labourers belonging mostly to Bihar and other Districts of UP. These cases have been referred to their parent districts for rehabilitation. It is also noted that prosecution of the offending employers has been totally neglected. A total of 49 employers have been identified in these cases. The DLC was unable to furnish details of prosecution.

## CHILD LABOUR

A total of 722 children have been withdrawn from work in this district since the survey of 97 ordered by the Supreme Court. 547 of these belong to the hazardous category. 11 children were detected and withdrawn from hazardous work in 2000-01 and 19 in the current year (till 31<sup>st</sup> July). 464 of a total of 722 child labourers of both categories were migrant workers. Of the remaining 258, as many as 250 are reported to have been admitted to schools. The DM was requested to get some sample verification made to arrive at a figure which could appear realistic.

A total of 93 families were involved. Only 30 have been provided rehabilitation as per the directions of the Supreme Court. 32 families are reported to have been already employed under Government schemes. 18 refused to take any rehabilitation assistance. 8 were migrant families. As such only 5 families are still awaiting rehabilitation. The DM assured they will be rehabilitated by October end.

214 R.Cs for realising an amount of Rs. 79 lakh were issued. This district is credited with having actually collected a good sum of Rs. 6,40,000 from the offending employers. However, all the recoveries were made in 1997-98. There has been practical no collection (just Rs. 20,000 in 1999) after that. Action on 116 RCs involving an amount of Rs. 44,50,000 has been stayed by the Courts. The DM was requested to process these cases as per the directions of the court and get the stay vacated. Recoveries amounting to Rs. 28,10,000 need to be pursued vigorously. I will not

hesitate from remarking that a marked decline has been noticed in District Bhadoi in the matter of enforcement of Child Labour Act during the last 2 years. The District was a role model for others in 1997-98 because of the zeal and enthusiasm of the then DM.

I scrutinized the prosecution statement which showed that 460 prosecutions were launched under the Child Labour Act in this District since 1995-96. This includes the backlog of 1180 cases of the period prior to 1995-96. 847 cases have been decided till now - 138 in conviction, 683 in acquittal and 26 discharged. Conviction rate as well as the speed of disposal were remarkably good in 1996-97 and 1997-98. In 1998-99 also 167 cases were decided but conviction rate was just 2.5%. The situation thereafter has been totally unsatisfactory. The DM was requested to give his special attention to the matter.

### NCLP SCHOOLS

20 child labour schools are being run under the National Child Labour Project in this District since March-April 1999. I visited two of these schools at village Teuri and Achhwar. The school at vill. Teuri is being run by Dr. Shambhu Nath Singh, Research Foundation. It was started on 2.5.99 with 37 girls and 13 boys. There has been no case of dropout. The absence rate (10-20%) is rather high. SNP programme is being run efficiently following the menu schedule prescribed by the DLC. Medical Officer from the PHC visits school every month and health cards are being maintained properly. The meeting with the parents are held regularly. Children are also being imparted vocational training. Salaries to the teachers and stipend to

the students have been paid only up to December 2000. Deputy Labour Commissioner Bhadoi informed that grant from the Government of India including all allowances for the period of six months from 1.4.2001 onward has been received and payments will be made within one week. DM who is the Chairman of the NCLP society will please find out reasons for delay in release of the third instalment of funds (December 2000-March 2001) and ensure that this does not recur.

I was not happy with the functioning of the school at village Achhwar in block Gyanpur. The school is being run by Jan Kalyan Samiti Varanasi. Dr. Kiran Tripathi, President of the organisation was also present. It has 44 girls and 6 boys. There has been no case of drop out. 44 children were present on the day of visit. Supplementary Nutrition Programme is not being run after June as per the menu-schedule prescribed by the DLC. In July, only sprouted grams were served. There were occasions when only a cucumber was given as Mid-Day-Meal. Health care is practically non-existent. The Doctor has visited the school only on 8<sup>th</sup> August. There is no record of any visits prior to that. Health cards are not being maintained. A detected case of polio (Munni D/o Lal Chand) has not been followed up. A serious irregularity was detected in the arrangement of vocational training. Instead of employing a suitable Instructor in sanctioned scale of Rs. 800 per month, a lady Seema Devi has been engaged as a part time Instructor at Rs. 400/- per month. I was told she is imparting training to girls only and another part time Instructor (Shri Dhananjay) has been engaged for carpet-weaving. He was nowhere to be seen nor was his name shown in the teachers' attendance register. I was surprised to find Shri A.K. Rai, DLC very much in the knowledge of this fact. He later confirmed that similar



79

arrangements of employing part time teachers exist at school Hinpur (Block Gyanpur) run by Bal Kalyan Evam Samajik Vikas Sansthan and Balipur (Block Dighi) run by Deendukhi Sewa Ashram. This ad hoc arrangement is a clear violation of the guidelines for operationalising National Child Labour Projects issued by Ministry of Labour, Government of India. DM. Bhadoi who is the Chairman of the NCLP Society is requested to look into it and take corrective action. All the schools being run by Jan Kalyan Samiti (5) should be thoroughly inspected to see whether similar deficiencies/irregularities are found at other places. The DM, Bhadoi is also requested to issue formal warning to the organisation and give them one opportunity to bring their schools in line with directions issued by the Government of India.

### SONEBHADRA (ROBERTSGANJ)

The meeting with the DM was held in the Circuit House Robertsganj on 9 August. Besides Shri M. V. S Rami Reddy and Shri A.N. Mishra DLC Mirzapur, Project Director Sonebhadra, District Development Officer, Basic Education Officer and District Social Welfare Officer were present.

### BONDED LABOUR

168 Bonded labourers were released in this district in 1997. 33 of these were migrants from other States. Of the remaining 135, 11 died and 2 remained untraceable. All the rest i.e. 122 have since been rehabilitated. There has been no detection of bonded labour after that. In the year 1999-2000 ten bonded labourers were received from Allahabad where they were

released in 1998. Of these one died and two remained traceable. The rest (7) were rehabilitated. The District received 6 more from Allahabad in 2000. A sum of Rs. 1.30 lakh is available from the previous grant and the DM assured that their rehabilitation will be completed by October end. The DM confirmed existence of Vigilance Committees at the District and sub-Divisional HQs.

### CHILD LABOUR

A total of 705 child labourers have been identified and withdrawn from work in this district from 1997 onward. 397 belong to hazardous and 308 to non-hazardous category. 334 of a total of 397 child labourers withdrawn from hazardous occupation have been admitted to schools. Of the remaining 123 are reported to be migrant workers. The number of families of the withdrawn child labourers of hazardous category is 352. 63 are migrant families. Of the remaining, only 2 cases are pending for rehabilitation. The DM assured that this will be completed by October end.

Prosecutions were launched in 172 cases. 147 R.Cs were issued to realise Rs. 46,20,000. Only 1,13,000 have been realised in 2000-01. 17 R.Cs involving recovery of Rs.5,60,000 have been stayed by the Courts. Recoveries to the tune of Rs.29,37,000 are pending. Clearance of this huge pending calls for personal involvement of the DM. He is requested to regularly monitor the progress of recoveries.

200 cases under the Child Labour Act were pending as of 10.12.1996. 176 additional cases were registered till 31<sup>st</sup> July 2001. Out of a total of 376 cases, 111 have been decided – 1 in conviction and 110 in acquittal. The

81

conviction rate is practically nil. The DM was requested to discuss the matter in the Monitoring Cell meeting to identify the reasons for poor conviction and take remedial action.

This District has about 1000 carpet looms. 540 looms have been registered. The registration of the remaining looms will be completed by the end of the financial year. The DM will please monitor the progress.

### MIRZAPUR

Discussion was held in the camp office of the D.M. Mirzapur, Shri Amit Mohan Prasad late in the evening of August 9, 2001. Meeting with the NGOs was held at the Guest House.

### BONDED LABOUR

A total of 153 bonded labourers have been released in this district since 1996-97 – 100 in 1996-97, 38 in 1997-98 and 15 in 1998-99. There has been no detection in 1999-2000 and 2000-01 though Tehsils Lalganj and Halia of this district are popularly perceived to be BL Prone areas. No efforts have been made to detect bonded labourers believed to be employed largely in agricultural sector. 40 of the total of 153 released bonded labourers belonged to other districts. Of the balance 113, rehabilitation of 106 has been completed. 7 cases are still pending. Since they belong to 1998-99, the delay reflects adversely on the performance of the district in an important area of responsibility. The D.M. assured that the 7 cases will be cleared by October end. The Labour Commissioner up is requested to

arrange release of funds to the District. The D.M. confirmed existence of Vigilance Committees at the District and Sub-Divisional HQs. He was requested to activate them and involve them in identification, release and rehabilitation of bonded labourers. Their performance so far has been dismally poor.

### CHILD LABOUR

A total of 143 children in hazardous and 151 in non-hazardous category have been identified and withdrawn from work after the survey of 1997. 3 children were withdrawn from hazardous and 5 from non-hazardous in 2001. One of hazardous and 12 of non-hazardous category relate to the current year (till 31 July).

106 children of hazardous and 134 of non-hazardous category have been admitted to schools. 36 children of hazardous category belong to migrant families. As such, admission of one child of hazardous and 17 of non-hazardous category is pending. I requested the DM to arrange a sample verification to test the reliability of the data being collected and forwarded to the Government.

The number of families of the withdrawn children (143) of hazardous category is 135. 33 of them are migrant families. Of the remaining 102, 99 have been provided employment as per directions of the Supreme Court. The DM assured that the rehabilitation of the remaining 3 will be completed by the end of September 2001.

74 RCs have been issued since 1997 to recover an amount of Rs.27.800 lakh at the rate of Rs.20,000/- per child labour as per the Supreme Court order dated 10.12.1996. A negligibly small amount of Rs.39,545 has actually been recovered till now in this district. However, the entire amount was recovered in 2000-01 following the review undertaken by the Member, NHRC (Dr. Justice K. Ramaswamy) in October, 2000. Recovery to the tune of Rs.15 lakh has been stayed by court orders in 35 cases. The balance amount of Rs.12,40,455/- can be recovered by the District Administration, particularly if the D.M takes personal interest in the matter. I requested the DM to review the cases of stay granted by the court, deal with the pending representations and make possible efforts to effect the outstanding recoveries. Performance of Mirzapur in this regard has been consistently poor since 1997 when the NHRC started monitoring.

A total of 609 prosecutions including a balance of 571 as of 10.12.1996 have been taken up for trial till 31 July, 2001. 169 of these have been decided – 10 in conviction and 159 in acquittal. The DM was requested to regularly review the disposal of Child Labour and Bonded Labour cases in the meeting of the District Monitoring Cell.

The number of estimated looms in Mirzapur is 10,000. 6,400 of these have been registered so far with some help from the NGOs. The DM assured that the registration of all the looms will be completed by the end of March, 2002.

## NCLP SCHOOLS

20 Child Labour Schools are being run in Mirzapur under the NCLP. 18 of these were started on 1.6.1999 and 2 on 15.7.1999. A total of 1000 actual/potential Child workers are receiving non-formal education in these schools. 80 schools with the strength of 25 each are also being run in the district under ILO IPEC. I visited 2 of the NCLP schools. Observations made are given below:-

NCLP School at village Mahrur – This school is being run by Sarvodaya Gramya Swarajaya Samiti, Mirzapur which has been allotted four schools. The school has been rightly sited and selection of beneficiaries - 26 girls and 24 boys (all Harijans) belonging to carpet weaving families seems to have been made very carefully. There has been no case of dropout. Attendance rate (above 90%) is good. SNP is being run properly and teachers appear to be painstaking. Shri Vinod Shankar Pandey, Chairman of the Organisation is seen to be taking a lot of interest in the management of the School.

Though vocational training is being imparted in carpentry and chair-knitting trades, it needs more attention. Health cover also needs to be improved. The doctor from the PHC has not been visiting the school regularly. The D.M. was requested to ensure that the medical examination of the children in Child Labour Schools is carried out at least once in every quarter. I spotted two children suffering from Polio – Meena d/o Lakshman Prasad, 13 years and Shiv s/o Pohakal, 11 years. It should not be difficult for the D.M. to arrange wheel-chairs or crutches for them through some

85

voluntary Organisations . Shri A.N. Mishra, DLC promised to act on this suggestion.

NCLP school at village Harisinghpur - This school is being run by Karunodaya Sewa Sansthan which has two more schools. One school Khajuri was withdrawn from this Organisation on the basis of my last inspection in May, 2000 when some financial irregularities were detected. The school was started with 24 girls and 26 boys on 1.6.1999. It has been rightly sited in an area having concentration of carpet looms One teacher and the clerk of the school have been changed after June, 2000. Teachers' attendance register is not being filled regularly. Though the Organisation has received funds for the period upto January 2001, the staff has been paid salary upto November, 2000. Similarly, the stipend money received for 8 months has been released for only six months. This was confirmed by the parents of some of the children. Despite clear instructions that not more than 2 children from the same family would be admitted, a case of three children from the same family was detected. 2 sons and 1 daughter of one Kailash Nath are studying in this school. In the particulars of the sons, the name of the father was mentioned while in respect of the girl 'Malti' mother Jaidevi is shown as parents. The stipend passbooks are kept with the Organisation and not given to the parents. It is obvious that they are dependent entirely upon the school clerk for drawl of money from their accounts. Health-care is practically non-existent. The Medical Officer had visited on 26.8.2000 and declared all the children normal in all respects. Thereafter only an ANM visited the school on 10 July and filled up the medical forms in a very casual manner showing all children as normal. The Organisation seems to

have left the affairs of the school to clerk Dharmendra who was sent to represent the NGO in the meeting.

### ALLAHABAD

I held two separate meetings on 10 August at the Circuit House – one with the District officials and the other with the NGOs (numbering 22) involved in the running of the NCLP schools. Besides the DM Allahabad Shri Divesh Chaturvedi, DDO, Basic Education Officer, DLC and Dy. CMO were present.

A total of 172 bonded labourers have been released in this district since 1997-98. This includes 27 released in the current year – 11 on 10 May and 16 on 27 June. 160 of the total of 172 are migrant labourers from other States. The remaining 12 belong to Sonebadhra. As mentioned in the report of Sonebhadra, rehabilitation of 6 of them has been completed and the remaining will be rehabilitated by the end of October.

8 of a total of 11 bonded labourers released on 10 May, 2001 belong to district Saharsa of Bihar. I have collected a copy of the forwarding letter dated 8.6.2001 addressed to the D.M. Saharsa about their rehabilitation. I am separately writing to the D.M., Saharsa separately in this connection. 16 bonded labourers released on 27 June, 2001 belong to Chennai (Tamil Nadu). Their detection followed receipt of information from an NGO (Society for Community Organisation Trust) in Tamil Nadu, who also helped in identification and release of these personnel. This is probably the first case in which immediate payment of Rs.10,000/- to each of the released



labourers was made by the DM without any specific allocation of funds. This issue was discussed with the Government of UP by the Member, NHRC (Dr. Justice K. Ramaswamy) on 7 July, 2001 and the Commission was assured that orders empowering the DMs to make this payment under TR-27 would be issued. I have collected the copy of the letter dated 29.6.2001 from the Secretary, Adi-Dravidar and Tribal Welfare Department, Govt. of Tamil Nadu acknowledging the receipt of 16 bonded labourers on release from Allahabad. I am writing to her separately for obtaining confirmation about rehabilitation of the released labourers.

### CHILD LABOUR

A total of 7,904 child labourers have been withdrawn from work in this district since 1997. 7,362 of these were withdrawn from hazardous work and 542 from non-hazardous. This includes 10 children withdrawn from hazardous work in 2000-01 and 8 in the current year (upto 31 July).

All the 542 children withdrawn from non-hazardous work are reported to have been admitted to schools. In the hazardous category, 6,430 out of a total of 7,362 children have been admitted to schools. In the balance of 932, 510 are migrant children. The district is thus required to arrange admission to 422 children to schools. The Basic Education Officer assured that this would be done shortly. I found the figures of admission of children withdrawn from work to schools rather unbelievable. The DM was, therefore, requested to arrange a sample verification and make realistic appraisal of educational rehabilitation of the children.

The release of 7,362 children from hazardous work involved rehabilitation of 5,093 families. 416 of these were found to be migrant families. 931 were already provided employment under the Government schemes. 1,548 reportedly refused to take any financial assistance. 1,114 families have, so far, been provided rehabilitation in accordance with the directions of the Supreme Court. It leaves a balance of 1084 families which have yet to be rehabilitated. The DM assured that all those who are traceable and are willing to accept rehabilitation under the Rural Development Schemes will be provided assistance within the current financial year. Labour Commissioner UP is requested to monitor the progress regularly and keep the Commission informed.

14 cases under the Child Labour Act were pending trial as of 10.12.1996. 501 more cases were registered till date. Only 24 of a total of 515 cases have been decided till now with not a single conviction. The DM was requested to take up the matter in the Monitoring Cell meeting to expedite the disposal of the pending cases and also to look into the causes for extremely poor conviction rate.

469 RCs were issued during the period from 1997 to 31 July 2001 to recover an amount of Rs.4,81,00,000. Only a small amount of Rs.1.50 lakh has been actually collected till date which includes Rs.55,000/- collected in the current year. Action as many as 399 of a total of 469 RCs has been stayed under orders of the courts. The DM was requested to examine this matter personally and make special efforts to clear the huge backlog of recoveries. The performance of Allahabad in this regard has been the poorest in the carpet belt.

(89)

## NCLP SCHOOLS

40 Child Labour Schools are being run in this district under the National Child Labour Project (NCLP). These schools were started in March-April 2000. 22 NGOs are involved in the running of these schools. 15 NGOs attended the meeting where each one of them contributed to its' deliberations. Following difficulties were voiced by all of them:

(i) Delay in receipt of funds:

The schools have been paid salary, stipend and other grants upto November 2000. The staff has not received salary since then. The payment of stipend to children has also been pending for the past 8 months. I discussed this matter with the Assistant Labour Commissioner Shri B.K. Rai. He confirmed that the 1<sup>st</sup> and 2<sup>nd</sup> instalments covering the period from April to November 2000 were received. The allotment of fund for the 3<sup>rd</sup> instalment is still awaited. I perused the correspondence being made by the District with the Labour Secretary, Government of India and found that the request for the 3<sup>rd</sup> instalment was not supported by the expenditure statement of the first two quarters of the year 2000-01. Interestingly, the District has received funds for six months from April to September 2001 under the revised scales of pay. The ALC assured that the salary and stipend for the months April to July will be released in 7 days. As regards the payment of salary stipend and other funds for the period December 2000 to March 2001, the DM was requested to take up the matter with the Secretary, Govt. of India by sending the ALC to Delhi, if necessary. I will not hesitate from remarking that guidelines issued by the Ministry of Labour, Government of India regarding the operationalisation of the NCLP have not been followed

properly by the ALC. The delay in release of the 3<sup>rd</sup> instalment, which has been received in other district, was caused by carelessness of the district in handling accounts matter of the Project.

(ii) Inadequacy of Health-care

Despite instructions issued by the CMO, the Medical Officers incharge of the PHCs are not carrying out periodical medical examination of children of the NCLP Schools. Almost all the NGOs have made repeated references to the Medical Officer concerned without any result. Dr. Kamla Singh, Secretary, Kamla Lok Sangeet Evam Samaj Sewa Sansthan stated that there has been no medical check up at all of the children of the schools at village Dhaw Koshfara and Maluha Sajai, This was brought to the notice of the DM in the presence of the Dy. CMO. The Dy.CMO confirmed the ability of the PHCs to ensure quarterly medical check up of the children. The DM was requested to reiterate the earlier orders issued to the CMO and ensure their compliance.

Smt. Sushila Tiwari, Secretary, Adiwasi Mahila Bal Vikas Kalayan Samiti informed that one child of their school at village Kaundi (Kevtan) in block Koran is suffering from a congenital heart problem. The ALC was requested to arrange proper medical check up and the NGO will pursue the treatment. The DM Allahabad will please issue suitable instructions to the CMO.

I visited two NCLP schools in this district. Observations are given below:

- (i) The school at village UPARDAHA (WEST) is being run by the Manas Chetna Vikas Sansthan. The school was started on 6.4.2000 with 28 girls and 22 boys. There has been no case of drop-out. Attendance rate (over 90 %) is good. Average age of the children ranging between 8-12 years shows careful selection. Whereas salary has been paid to the staff for 8 months i.e. upto November, the stipend has been paid only for six months. This needs an explanation. The school is functioning from the house provided by one Abhay Raj who had offered his house after the room provided earlier by the Panchyat Samiti was taken back. It was learnt that the NGO has not been paying house rent. Their accounts needs to be checked to find the truth. Shri Abhay Raj must be paid house rent of Rs.500/- as recommended by some village elders.
- (ii) Child Labour School at village JHIRHIRI is being run by Sarvodaya Sewa Sansthan Dudhaki Kalan. It was started on 1.3.2000 with 20 girls and 30 boys. Children do not seem to have been selected carefully. They are generally found 2-3 years younger than their recorded age. The average age is found to be around 6/7 years. Arrangements for the vocational training need to be strengthened. Medical Officer from the PHCs had visited the school only twice in the last 18 months.

Handia Tehsil of Allahabad forms part of the carpet belt. It has about 1200 looms and an estimated work force of 3000. Registration of looms as part of the Child Labour Abolition Programme (CLAP) launched in April, 1999 is very slow. Only 120 looms have been registered by the Assistant Director Factories. The D.M was requested to complete the work of registration by the end of the current year by involving Revenue staff and Panchati Raj Institutions.

## VARANASI

Two separate meetings were held at Circuit House on 11 August, one with the District Administration and the other with the NGOs involved in the running of Child Labour Schools. Besides the D.M. Varanasi Shri Alok Tandon, the Deputy Labour Commissioner Varanasi, the Basic Education Officer and the DDO were present during discussion.

## BONDED LABOUR

A total of 79 bonded labourers have been released in Varanasi since 1996-97. This includes 44 released in 2000-01. 17 of these belong to Bihar, 25 to Jharkhand, 2 to Orissa and 1 to Nepal. Of the remaining 34, 13 belong to Azamgarh. 21 belonging to District Varanasi have been rehabilitated. The rehabilitation of 13 belonging to Azamgarh released in 2000-01 is still pending. Labour Commissioner is pursuing the matter.

16 cases have been registered under the BL Act since July, 1996. All are pending. The DM promised to take up the matter in the meeting of the Monitoring Cell. The DM confirmed the existence of Vigilance Committees at the District and Sub-Divisional HQs. He was requested to activate these Committees and involve them in actual identification and release which has so far been the concern of the NGOs and social activists only.

## CHILD LABOUR

A Total of 1829 child labourers have been identified and withdrawn from the work since the survey of 1997 – 1318 belong to hazardous and 511 non-hazardous category. This includes 31 children of hazardous and 1 of non-hazardous category withdrawn from work in the current year (upto 31<sup>st</sup> July).

A total of 1449 children have been admitted to schools. Of the remaining 380 children, 361 are migrant/overage, only 19 are eligible for admission to schools. The DM was requested to arrange a sample verification of the figures being sent from the office of the DLC.

The number of families of children withdrawn from the hazardous work (1318) is 1194. 344 of these are migrant families; 432 have already received employment under the Govt. schemes and 240 are not willing to accept any assistance. Only 148 families have been provided rehabilitation as per the direction of the Supreme Court. It leaves a balance of 30 families. The DM assured that the rehabilitation will be completed within three months.

A total of 575 cases have been registered under the Child Labour Act after 10.12.1996. 392 cases were pending trial on 10.12.1996. 236 cases out of a total of 967 have been decided till 31 July, 2001. 115 have ended in conviction (95 imprisonment) and 121 in acquittal. Disposal as well as conviction rate of cases are found to be very good in this district. I have no doubt this is the result of the personal interest taken by the previous D.M. I am sure, the new incumbent will carry forward the trend. 576 RCs for

recovery of a total amount of Rs. 1,55,80,000/ have been issued. An amount of Rs. 2,08,000/- has actually been recovered. Action on 136 RCs has been stayed by the courts. 39 R.Cs have been returned as an unexecutable. The D.M. was requested to examine the whole matter in detail and make special efforts to clear the huge pendency.

10 Child Labour Schools are being run in the district by as many NGOs. These were started in August, 1999. The representatives of 7 NGOs were present in the meeting I took. I found them thoroughly satisfied with the District Administration and the Labour Department in the matter of release of funds and arrangements for medical check up. They raised the issue of final examination of the children which would make the legible for admission to the 6<sup>th</sup> class in the formal stream. I requested the DM to make necessary arrangements well in advance after examining the curriculum adopted by these schools. I was happy to learn that almost all the NGOs have paid salaries to the staff upto July, 2001 though the Government grant has been received till November only.

I visited two NCLP schools. Observations are given below:

- (i) NCLP School at village Suichack - This school is being run by Gangapur Gramodhyoga Vikas Samiti. It was started on 15.8.99 with 27 girls and 23 boys. The school is rightly sited in Child Labour Prone area. However, the selection of children does not seem to have been done carefully. The average age of the children is around 7/8 years. One boy appears to be above 16. One Ranjit s/o Muna Lal shown as 11 years on 16.7.2000 is hardly 8.



There has been no case of drop-out. The staff has been paid salary upto March, 2001 though the school has received funds only upto November, 2001. Absence rate (15 to 20 %) is found to be high. Arrangements for medical check up are satisfactory and Supplementary Nutrition Programme (SNP) is being run efficiently as per the men-schedule prescribed by the DLC.

- (ii) NCLP School at village Dihwan: It is being run by the Manav Sansadhan Evam Mahila Vikas Sansthan. It was started on 14.8.99 with 19 girls and 31 boys. 44 children are mohammedan and 6 belong to scheduled castes. 47 were present at the time of visit. There has been no case of drop-out. Arrangements for the vocational training are satisfactory. Medical cover provided by the PHC is satisfactory. One boy Parvez Akthar s/o Anis Rehman needs special treatment for eyes which could not be pursued after medical check up because the family cannot afford estimated expenditure of Rs.3000/-. The matter was discussed with the D.M. who promised to help. The Dy. Labour Commissioner, Varanasi will pursue the case. SNP is being run efficiently.

### GENERAL

Under the modified Centrally Sponsored Plan Scheme for the rehabilitation of bonded labourers, the Government of UP has received a grant of Rs.25 lakh as central assistance for the following purpose:

- a) Rs. 10 lakh for conducting survey of bonded labourers in the districts of Allahabad, Mirzapur Kannauj, Meerut and Gautambudh Nagar;
- b) Rs. 10 lakh for awareness generation programme; and

(c) Rs. 5 lakh for evaluatory studies in the districts of Chitrakoot, Mirzapur, Sonebadhra, Varanasi and Mathura.

The Labour Commissioner, UP had submitted a proposal for survey, awareness generation and evaluatory studies under the modified scheme in February, 2001. The sanction was issued vide Ministry of Labour, Government of India letter No.S.11011/01/99-VL dated 8 May, 2001. The funds have not yet been transferred into the accounts of the Govt. of UP. As such action has not been initiated so far. Labour Commissioner, UP is pursuing the matter.



(Chaman Lal)  
Special Rapporteur  
17.8.2001